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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/017,235   | 12/18/2001  | Michael A. Murphy    | 1865.1-4            | 9798             |
| 24243  | 7590        | 02/17/2005           | EXAMINER            |                  |
| CHARMASSON & BUCHACA & LEACH LLP<br>1545 HOTEL CIRCLE SOUTH<br>SUITE 150<br>SAN DIEGO, CA 92108-3412 |             |                      |                     | WEBMAN, EDWARD J |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 1617                 |                     |                  |

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                 |                                  |
|------------------------------|---------------------------------|----------------------------------|
| <b>Office Action Summary</b> | Application No.                 | Applicant(s)                     |
|                              | 10/017235<br>Examiner<br>WEBMAN | MURPHY<br>Group Art Unit<br>1617 |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

Responsive to communication(s) filed on 12/20/04.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 1-9, 14-17, 25, 29, 38, 44-61, 65-107 is/are pending in the application.

Of the above claim(s) 4-9, 14-17, 25, 29, 38, 44-61, 66-73, 79-89, 98-105, 107 is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 2, 3, 74-78, 90-97, 106 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

**Office Action Summary**

Claims 3, 74-78, 90-97, 106 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3, 6 "M" is indefinite; is "m" intended?

Claims 75-78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 75-77 "compounds" in indefinite; is "macrocyclic polyamine" intended? Similarly, in claim 78 "polyamine compositions" is indefinite; is "macrocyclic polyamine" intended?

Claims 2, 3, 65, 74-78, 90-97 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2 and 65 is a comma intended after "damage" in line 2 and defects in line 3?

Claims 2, 3, 65, 74-78, 90-97, 106 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the diseases recited on page 2 lines 17-20, does not reasonably provide enablement for any disease in claim 106 and any disease due to the claimed events in claims 2 and 65. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

Applicants at best appear only enabled for <sup>the</sup> treatment of above recited diseases.

Claims 2, 3, 65, 74-78, 90-97, 106 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere in the specification do applicants provide evidence that the claimed treatment is efficacious for any of the claimed disease. No clinical data is provided.

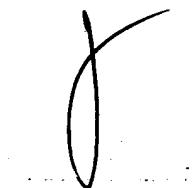
No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Webman whose telephone number is (571) 272-0633. The examiner can normally be reached on Monday to Friday 9 Am 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Webman/LR  
January 25, 2005

A handwritten signature consisting of a stylized, cursive 'L' and 'R' joined together.